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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT 3612 / PATENT EXAMINER D PEDDER

IN RE APPLICATION OF:

CATT ET AL.

SERIAL NO.: 10/620,940

FILED: July 11, 2003

FOR: TRAILERABLE REFRESHMENT  
STAND

)  
)  
) RESPONSE TO  
) OFFICE ACTION  
) DATED  
) AUGUST 10, 2005  
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)  
)  
)  
)

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

Please enter the following amendments and remarks into the file of the above-captioned application in response to the Office Action mailed August 10, 2005.

**IN THE DRAWINGS**

Please add the attached Drawing Sheet comprising a single FIGURE 7 to the submitted Drawing Sheets in this matter.

**IN THE SPECIFICATION**

In the Brief Description of the Drawings following the description of FIG. 6 on page 5 add: --FIG. 7 is a perspective view of a mobile trailer embodying the present invention similar to that of FIG. 1, showing in dotted outline various internal components and connections.--

In the Specification on page 5, line 13, insert following the words "axle 13" the following: --best seen in FIG. 7--.

In the Specification on page 9, delete the full sentence beginning on line 16 and insert in lieu thereof the following: --Also as best seen in FIG. 7, an electrically powered refrigeration unit 66 can be added to the main compartment and powered as indicated below by either an internal electrical source such as battery 52 or from an external electrical source via external electrical power plug 60.—

In the Specification on page 10, line 15, following the word “unit” and before the “.” insert, --as best seen in FIG. 7—

#### **IN THE CLAIMS**

Please amend and cancel the claims as indicated in the “Marked up Version of the Claims” submitted herewith, wherein material to be added is underlined and material to be deleted is in brackets. Also submitted herewith is a “Clean Version of the Claims After the Amendments.” These clean paragraphs should replace the original claims.

In summary, Applicant has cancelled claims 31 and 45, and amended claims 1, 15, 22, and 38.

#### **DISCUSSION AND COMMENTS**

##### **RE THE DRAWING OBJECTIONS**

The Examiner has further objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims with the specific items not shown being enumerated. Applicant has supplemented the drawings by submitting an additional drawing having FIGURE 7 showing each of the enumerated claim features. The newly submitted drawing does not introduce any new matter into the application as

originally filed.

With the drawings as amended and supplemented, Applicant believes that the Examiner's objections have been overcome, and therefore respectfully requests acceptance of the submitted Drawing Sheet having FIGURE 7 and withdrawal of the objections to the drawings.

#### **RE THE SPECIFICATION OBJECTION**

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter, specifically, that claims 31 and 45 claim structure that the foot railing is fixedly held to the frame. Applicant thanks the Examiner for his close reading of the claims and has deleted these two claims thereby rendering the objection moot.

#### **RE THE CLAIM REJECTIONS**

Claim 15 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite as it depended on now cancelled claim 13. Applicant regrets this error having occurred during the last round of claim amendments and cancellations, and has corrected it by having claim 15 now depend from claim 12 which remains in the application. Applicant thanks the Examiner for noting this error.

Applicant has amended independent claims 1, 22 and 38 (and consequently claims dependent thereupon) to define more clearly and limit that being claimed as constituting structure embodying the present invention and, with this amendment, believes that the claims now overcome the cited references as analyzed in detail below.

Claims 1-5, 9-11, 16, and 18-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,225,059 to Kappos (“Kappos”), in view of U.S. Patent No. 2,771,318 to Jagsch (“Jagsch”) and U.S. Patent No. 3,940,175 to Robison (“Robison”) or U.S. Patent Application No. 2002/0180228 to Poarch et al. (“Poarch”) in view of the foregoing Robison reference.

Kappos provides an insulated ice cooled container mounted on a wheeled road traveling trailer. The insulated closed container has a top which is provided with an opening communicating with the ice chamber interior to provide entry to the ice chamber and receptacle carrying area.

The present invention, as per the claims, as now amended, provides a structure having a mobile bar mounted on a wheeled trailer with a generally flat fixed counter top member closing the entire top of the compartment that may be used as a bar for refreshments.

Applicant believes that as the Kappos reference requires that the top of its insulated closed container mounted on its wheeled trailer frame have an opening communicating with the interior of the insulated closed container (Kappos claim 1) and that Applicant’s claimed structure (Applicant amended claims 1, 22 and 38) does not provide for such an opening but instead requires a fixed counter top member that closes the entire top of the compartment, that these two structures are exclusive of one another having contradictory structural elements. Since Kappos lacks this fundamental structural component, as well as any suggestion to modify its disclosed and claimed structure to provide a fixed counter top member that closes the entire top of the insulated closed container, it cannot function as a reference to preclude Applicant’s claim for patentability

of his invention as claimed.

Furthermore, neither the Jagsch nor the Poarch et al. or Robinson references provides this missing element of a generally flat fixed counter top member closing the entire top of the compartment. Thus, no combination formed, assuming such combination were even possible, by picking and choosing structural elements from these references to supply missing structural components of the Kappos reference can be made. There is also no suggestion in Kappos or any of the cited references that they are deficient and need supplementing by mutual combination.

Accordingly, Applicant believes that amended claim 1 and claims 2-5, 9-11, 16, and 18-19 depending thereon and claiming added further distinguishing structure, distinguish patentably over the Kappos reference and the cited combinations that include the Kappos reference. Applicant therefore respectfully requests that the rejection of these claims be withdrawn and that they be passed to allowance.

Claims 6-8, 22-27, 33-35, 38-41, 47-48 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and (sic) Robinson as applied to claim 1 above, and further in view of U.S. Patent No. 1,370,517 to Cheeseman ("Cheeseman"). Cheeseman is relied upon to provide an admittedly missing electrical hookup to the previously analyzed alleged combination of Kappos, Jagsch and Robison. Cheeseman provides a tea caddy and utilizes a plug 27 for providing electrical power to a heating element on the caddy.

Once again, Cheeseman, adding merely an electrical outlet, fails to provide the missing essential element of a generally flat fixed counter top member closing the entire top of the compartment found in Applicant's claims to the underlying Kappos referenced

structure. For at least these reason, Applicant believes that his claims are patentably distinct over the cited references taken in any reasonable combination and respectfully requests that the rejection of these claims be withdrawn and the claims passed to allowance.

Claims 12, 15, 28, 31, 42, 25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and (sic) Robinson or Poarch et al. in view of Robison as applied to claim 1 above, or Kappos in view of Jagsch and Robison in view of Cheeseman as applied to claim 22 and further in view of U.S. Patent No. 2,845,780 to Conklin et al. (“Conklin”).

Conklin is relied upon to provide an admittedly missing rear wall railing to the previously analyzed alleged combination of Kappos, Jagsch, Robison, and Cheeseman. Once again, Conklin, adding merely a rear wall railing, fails to provide the missing essential element of a generally flat fixed counter top member closing the entire top of the compartment found in Applicant’s claims to the underlying Kappos referenced structure. For at least these reason, Applicant believes that his claims are patentably distinct over the cited references taken in any reasonable combination and respectfully requests that the rejection of these claims be withdrawn and the claims passed to allowance.

Claims 14, 30 and 44 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and (sic) Robinson or Poarch et al. in view of Robison as applied to claim 1 above, or Kappos in view of Jagsch and Robison in view of Cheeseman as applied to claim 22 and further in view of Conklin and U.S. Patent No. 4,514,002 to McIntosh (“McIntosh”).

McIntosh provides a pivoted two position bumper for off the road vehicles and is relied upon to supply this bumper as a missing element to the previously analyzed combination. McIntosh, adding merely a pivoted two position bumper, fails to provide the missing essential element of a generally flat fixed counter top member closing the entire top of the compartment found in Applicant's claims to the underlying Kappos referenced structure. For at least these reason, Applicant believes that his claims are patentably distinct over the cited references taken in any reasonable combination and respectfully requests that the rejection of these claims be withdrawn and the claims passed to allowance.

Finally, claims 17, 32 and 46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and (sic) Robinson or Poarch et al. in view of Robison as applied to claim 1 above, or Kappos in view of Jagsch and Robison in view of Cheeseman as applied to claim 22, or this combination further in view of Conklin as applied to claim 42, all in view of U.S. Patent No. 4,974,500 to Boyd et al. ("Boyd").

Boyd provides a hot beverage preparation and dispensing cart having built-in lighting 52, 54 within a canopy that extends over the top counter of the cart.

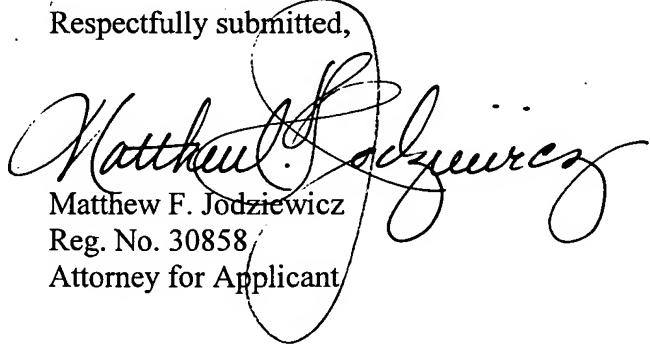
As discussed above, Boyd fails to provide any of the admittedly missing elements to the previously analyzed references and combinations thereof that would render Applicant's claimed invention obvious or non-patentable as required. The addition of built-in lighting does not provide a generally flat fixed counter top member closing the entire top of the compartment that may be used as a bar area, nor does it provide a foot railing, etc. As such, Applicant believes that the claims remain patentably distinct over any and all of the cited references, including Boyd, either singly or in any reasonable

combination. Applicant therefore respectfully requests the withdrawal of the rejection of these claims and requests that they be passed on to allowance.

In conclusion, Applicant has responded to pending Office Action dated August 10, 2005 by supplementing the drawings to overcome the objections raised by the Examiner, by amending the claims making them more definite as to the subject matter being claimed, and by distinguishing the claimed invention as being patentable over the references cited by the Examiner in refusing allowance. With this response Applicant believes the application to now be in condition for allowance, and allowance of the application is respectfully requested. If the Examiner disagrees with Applicant, or feels that additional clarification is necessary, Applicant's attorney respectfully requests that the Examiner call Applicant's attorney to determine if the issue can be resolved prior to issuance of an additional office action in this matter.

Respectfully submitted,

Date: November 10, 2005



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**CERTIFICATE OF MAILING (37 CFR 1.8(a))**  
**First Class Mail**

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 11-10-05

MATTHEW F. JODZIEWICZ

(Type or print name of person mailing paper)

MATTHEW F. JODZIEWICZ

(Signature of person mailing paper)